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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | Application No. | 09/111,604 |
| | Filing Date | July 7, 1998 |
| | First Named Inventor | Mohamed K. Diab |
| | Art Unit | 3768 |
| (Multiple sheets used when necessary) | Examiner | Eric Frank Winakur |
| SHEET 1 OF 19 | Attorney Docket No. | MASIMO.007C3 |

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|-----------------------|----------|---|--------------------------------|-------------------------------|--|
| Examiner Initials | Cite No. | Document Number Number - Kind Code (if known) Example: 1,234,567 B1 | Publication Date MM-DD-YYYY | Name of Patentee or Applicant | Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear |
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| | Filing Date | July 7, 1998 |
| | First Named Inventor | Mohamed K. Diab |
| | Art Unit | 3768 |
| (Multiple sheets used when necessary) | Examiner | Eric Frank Winakur |
| SHEET 10 OF 19 | Attorney Docket No. | MASIMO.007C3 |

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| | Art Unit | 3768 |
| | Examiner | Eric Frank Winakur |
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| Examiner Signature | Date Considered |
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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | Application No. | 09/111,604 |
| | Filing Date | July 7, 1998 |
| | First Named Inventor | Mohamed K. Diab |
| | Art Unit | 3768 |
| (Multiple sheets used when necessary) | Examiner | Eric Frank Winakur |
| SHEET 17 OF 19 | Attorney Docket No. | MASIMO.007C3 |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ¹ |
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| | 407 | Masimo's Trial Brief of Indefiniteness, dated 3/24/04. | |
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| | 409 | Masimo's Answer to Counterclaims to Nellcor's Third Amended Complaint for Patent Infringement, Demand for Jury Trial, dated Aug. 27, 2002. | |
| | 410 | Masimo's Reply to Nellcor's and Mallinckrodt's Amended and Supplemental Answer and Counterclaims to Masimo's First Amended Complaint in Case No. CV-01-7292 MRP (AJWx), dated Aug. 27, 2002. | |
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| | 417 | Nellcor's Revised and Corrected Supplemental Response to Masimo's First Set of Interrogatories in the Consolidated Case (No. 2), dated 6/25/03. | |
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| | 425 | Nellcor's Third Amended Complaint for Patent Infringement of U.S. Patent Nos. 4,624,648; 4,655,498; 4,700,700; 5,078,136; 5,807,247 and Re. 36,000; Demand for Jury Trial, dated Jul. 31, 2002. | |

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| <p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> | |

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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Multiple sheets used when necessary)</i> SHEET 18 OF 19 | Application No. | 09/111,604 |
| | Filing Date | July 7, 1998 |
| | First Named Inventor | Mohamed K. Diab |
| | Art Unit | 3768 |
| | Examiner | Eric Frank Winakur |
| | Attorney Docket No. | MASIMO.007C3 |

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| | 427 | Nellcor's Trial Brief on Indefiniteness, dated Mar. 23, 2004. | |
| | 428 | Nellcor's Trial Brief re Inequitable Conduct, dated Mar. 23, 2004. | |
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| | 443 | Defendant/Counterclaim-Plaintiff Philips Electronics North America Corporation Answer to Masimo's Counterclaims, Masimo Corporation v. Philips Electronics North America Corporation and Philips Medizin Systeme Böblingen GMBH, (District of Delaware, Case No. 09-00080(JJF)) dated August 3, 2009, pages 1-23. | |

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|-------------------|----------|--|----------------|
| | 444 | Defendants' Answer and Philips Electronics North America Corporation's Amended Counterclaims to Masimo's First Amended Complaint, Masimo Corporation v. Philips Electronics North America Corporation and Philips Medizin Systeme Böblingen GMBH, (District of Delaware, Case No. 09-00080(JJF)) dated 4/21/10. | |
| | 445 | Defendants' Answer and Philips Electronics North America Corporation's Counterclaims to Masimo's First Amended Complaint, Masimo Corporation v. Philips Electronics North America Corporation and Philips Medizin Systeme Böblingen GMBH, (District of Delaware, Case No. 09-00080(JJF)) dated 6/15/09. | |
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| | 451 | Copending U.S. Appl. No. 09/111,604, filed Jul. 7, 1998; (Masimo.007C3) | |
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Documents previously cited have been lined through. /EFW/

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| Examiner Signature | /Eric Winakur/ | Date Considered | 04/15/2011 |
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